

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
<b>PLAINTIFF,</b>	:	
	:	<b>CASE NO. 1:02 cv 367</b>
<b>V.</b>	:	<b>(consolidated with C-1-02-359,</b>
	:	<b>C-1-02-388, C-1-02-431, and</b>
	:	<b>C-1-02-474)</b>
<b>REAL PROPERTY KNOWN AND</b>	:	
<b>NUMBERED AS 2467 LEGENDS WAY,</b>	:	<b>SENIOR JUDGE SPIEGEL</b>
<b>CRESTVIEW HILLS, KENTON</b>	:	
<b>COUNTY, KENTUCKY , WITH ALL</b>	:	
<b>APPURTENANCES, IMPROVEMENTS,</b>	:	
<b>AND ATTACHMENTS THEREON, et al.</b>	:	
<b>DEFENDANTS.</b>	:	
	:	

**UNITED STATES' MOTION TO DISMISS REAL PROPERTY KNOWN AND  
NUMBERED AS 11100 HARBOUR YACHT COURT 42-C, FORT MYERS, FLORIDA**

The United States, by and through the undersigned Assistant United States Attorney for the Southern District of Ohio, moves this Court pursuant to Fed.R.Civ.P. 41(a)(2) for an order dismissing real property known and numbered as 11100 Harbour Yacht Court 42-C, Fort Myers, Lee County, Florida, ("the subject real property"), which is further described as follows:

Situate, lying and being in the County of Lee, State of Florida to wit:

CONDOMINIUM PARCEL: UNIT 42-C, BUILDING 4, BELLAVISA AT GULF HARBOUR YACHT & COUNTRY CLUB CONDOMINIUM, according to the plat thereof recorded in Condominium Plat Book 26, pages 33 to 38 incl.; and being further described in that certain Declaration of Condominium recorded in Official Records Book 3053, page 2460, and Amendment thereto recorded in Official Records Book 03198, page 1720, and Condominium Plat Book 27, pages 32 to 35 incl.; and Amendment thereto recorded in Official Record Book 03207, page 0534 and Condominium Plat Book 27, pages 41-42, public records of Lee County, Florida.

The United States and the prior record owners of the subject real property, John O.

*11100harbourmotdis.fnl.wpd*

Finnan and Susan J. Finnan and Marc C. Menne and Alice M. Menne, stipulated to the sale of the subject real property to a third party. Under the terms of the sale, all valid liens on the property were paid; thereafter, the parties stipulated that the remaining equity would be substituted and added as a defendant in this civil forfeiture action (Doc. 142).

Therefore, the United States respectfully requests that the Court issue an order dismissing the subject real property from the verified Complaint for Forfeiture in Rem filed with this Court on May 30, 2002.

Respectfully submitted,

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United States Attorney

**s/Kathleen M. Brinkman**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Dismiss was served on this 19<sup>th</sup> day of September, electronically on: Richard Boydston; Geraldine M. Johnson; Cynthia M. Roselle; Susan Grogan Faller; Earl K. Messer; Michael L. Scheier; Glenn V. Whitaker; and by regular U.S. Mail on the following:

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